

# Progress Notes . . . . . June 2011

A Monthly Publication of the Nassau-Suffolk Hospital Council, Inc.

*Progress Notes publication is a summary of regulatory and legislative news, advocacy messages, and other relevant issues affecting the delivery of hospital and health care on Long Island.*

## State Legislative Session Ends, Mixed Results

*With no movement on insurance exchange legislation, state misses first deadline for federal funding*

*Senate may reconvene to consider exchange legislation before next funding deadline of September 30*

Governor Cuomo and the Senate had introduced exchange legislation during the waning weeks of the 2011 legislative session, but the legislature was unable to agree on a final bill before the session ended June 24, 2011. That dashed hopes that a bill would be in place by the federal government's June 30, 2011 deadline for \$100 million in funding to create an exchange. The Senate will likely consider an exchange bill within the next two months in time to meet the federal government's next deadline of September 30.

The New York Health Benefit Exchange Act represents a modified version of the governor's and the Senate's proposed bills. It calls for setting up the exchange as a public benefit corporation with nine unpaid directors, seven of them appointed by the governor and two appointed by the legislature. Several key policy issues – such as financing certain benefits' costs - remain unanswered, but the bill set April 1, 2012 as a deadline to resolve these concerns.

The bill calls for five regional advisory committees instead of a central advisory board that was proposed in the governor's version. These committees will make additional policy recommendations and propose future legislation related to provisions in the bill. The rules allow insurance industry representatives to sit on these advisory committees, but the bill also requires health plans to submit justification for rate increases.

**See page 2 for more results of this historic legislative session ...**

## Hospital Auxilian Group Appoints New President, Executive Board Members



*2011 – 2012 Nassau-Suffolk Council of Hospital Auxiliaries executive board. From left: Vickie DeFriest, President (Eastern Long Island Hospital); Uta Dee, First Vice President (Stony Brook University Hospital); Terese Weber, Second Vice President (Good Samaritan Hospital); Sheila Norris, Treasurer (Mercy Medical Center); Virginia Bolla, Recording Secretary (St. Francis Hospital); Edna Fetkowitz, Corresponding Secretary (Huntington Hospital)*

## ***Legislative session continued . . .***

The Affordable Care Act (ACA) of 2010 requires states to set up health insurance exchanges by 2014. That's the year the ACA's individual mandate takes effect. The exchanges will allow small businesses and individuals to purchase competitively-priced health insurance.

Other major legislative actions included:

**Certificate of Need (CON) reform . . .** passed both chambers and is awaiting the governor's signature. The legislation was developed by the Healthcare Association of New York State and is designed to ease the regulatory burden on hospitals. Under the bill, routine maintenance, infrastructure (non-clinical), and one-for-one replacement projects will no longer require cumbersome and time-consuming CON review by the state health department. The bill had primary sponsorship from Health Committee Chairman Senator Kemp Hannon and Senator Dean Skelos (Long Island) and co-sponsorship from Senator Bill Larkin and Assemblywoman Aileen Gunther (Hudson Valley region legislators).

**Medical Malpractice legislation . . .** did not come to the Senate floor for a vote at the direction of Senate Leader Dean Skelos. The most troubling of the three measures proposed was one that would have reversed the *Arons* decision. This landmark 2007 Court of Appeals ruling reaffirmed the need for all litigants to seek out relevant information to assure greater fairness in the adjudication of civil lawsuits. The Lancman and DeFrancisco proposals would have prohibited defense counsel in a malpractice lawsuit from privately interviewing the plaintiff's treating physician. No limit would have been placed on the plaintiff's attorney.

**Nurse Staffing Ratio bills . . .** surfaced yet again this legislative session, but did not come to fruition. However, this continues to be an area of concern for hospitals on Long Island.

**MTA Payroll Tax Relief . . .** did not happen this session. The Senate approved a bill by Senator Lee Zeldin that would have gradually repealed the tax on Long Island employers and reduce it for New York City, but the bill was never brought to the floor for a vote by the Assembly. The hospital industry hopes the bill will gain traction in the next session.

**In Other State News . . . More Transitional Care Units (TCUs) . . .** will dot New York State now that the new Public Health and Health Care Planning Council (PHHPC) approved seven additional demonstration sites, including three on Long Island. Currently, there is a TCU at John T. Mather Memorial Hospital in Port Jefferson. These units offer a specially-designated level of care provided to Medicare beneficiaries whose acute conditions have not been stabilized but who are not well enough to be discharged or transferred to a nursing home. The newly reconstituted PHHPC at its meeting also approved a number of backlogged projects.

### **Member Hospitals**

Brookhaven Memorial Hospital Medical Center

Catholic Health Services of Long Island

- Good Samaritan Hospital Medical Center

- Mercy Medical Center

- St. Catherine of Siena Medical Center

- St. Charles Hospital

- St. Francis Hospital

- St. Joseph Hospital

East End Health Alliance

- Eastern Long Island Hospital

- Peconic Bay Medical Center

- Southampton Hospital

Long Beach Medical Center

John T. Mather Memorial Hospital

Nassau University Medical Center

North Shore-Long Island Jewish Health System

- Franklin Hospital

- Glen Cove Hospital

- Huntington Hospital

- North Shore University Hospital

- Plainview Hospital

- Southside Hospital

- Syosset Hospital

Stony Brook University Hospital

Veterans Affairs Medical Center – Northport

Winthrop-South Nassau University Health System

- South Nassau Communities Hospital

- Winthrop-University Hospital

**Advocacy Day – Wednesday, July 13, 2011 in Washington, DC** – sponsored by the American Hospital Association. Express your concerns about the debt ceiling and Medicare/Medicaid's vulnerability as targets for more cuts. Meet with your respective legislators at the Capitol. For more information contact: Susan Van Meter, VP, Federal Relations for HANYS, at [svanmete@hanys.org](mailto:svanmete@hanys.org).

# Debt Ceiling, Possible Cuts, Coding Offsets Dominate Federal Advocacy

Congress' work to tackle the federal deficit and raise the national debt ceiling will continue throughout the summer months, as August 2 is the date the country would default on its existing financial obligations without an increase in the debt ceiling. Legislators are looking at any and all options to reduce spending and restore fiscal order. The Medicare and Medicaid programs, which represent about 20 percent of the federal budget, are ripe targets for lawmakers who wish to tie any rise in the debt ceiling with complementary spending cuts.

To ensure legislators' hear this message, the Coalition to Protect American's Health Care, a broad-based group of hospitals, businesses, and national, state, and local hospital associations, established a hotline – **1-866-887-CARE** – that directly connects callers to appropriate lawmakers' offices. The hotline is in addition to a national advertising campaign to educate

Congress about the implications of further federal funding cuts to hospitals.

**In related federal news . . .** The Centers for Medicare and Medicaid Services (CMS) issued a proposed regulation that would apply a net 0.6 percent cut to hospitals' payments in fiscal year 2012. The cut is due in part to a 6.05 percent reduction in the rate because of a CMS effort to recoup increases in hospital payments it believes are related to changes in patient classification, or inpatient coding, as opposed to the fact that hospitals are routinely treating more complex and severely ill patients. The move toward more care rendered in outpatient settings has caused inpatient services to serve the more acutely and critically ill. This care is more costly. The independent Medicare Payment Advisory Board (MedPAC) has shown that hospitals are currently being paid substantially less than the cost of delivering care to Medicare patients.

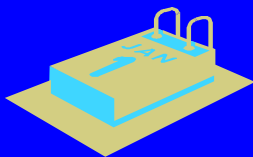
## News Briefs . . .

**Community Service Plans (CSP)** . . . are due to the Department of Health by September 15, 2011. The DOH is asking hospitals to provide an update of activities, improvements, and any changes regarding the collaborative efforts with local health departments in working to achieve the state's *Prevention Agenda* goals for each community. The Hospital Council, on behalf of all member hospitals, worked with the tobacco cessation task forces of both Nassau and Suffolk counties last year. The culmination of the work of these task forces and the Council was a press briefing/educational forum held at Hofstra University in November 2010 that promoted county and hospital-based tobacco cessation efforts and programs. It was announced at that briefing that Long Island is a tobacco-free hospital region. Hospitals are required to develop and distribute a summary of their CSP to the public; however, the summary does not need to be submitted with the 2011 update. The DOH is strongly encouraging hospitals to post this information on their websites. The CSP update can be submitted electronically. Go to <https://www.surveymonkey.com/s/2011csp>.

**Modern Healthcare** . . . named **Michael Dowling**, CEO of the North Shore-LIJ Health System one of three hospital CEOs in the nation to receive its IT Achievement Award. The award is co-sponsored by the Healthcare Information and Management Systems Society.

**HANYS 2011 Community Health Improvement Award** . . . went to

**Catholic Health Services of Long Island for its Healthy Sunday's Program.** The program ensures access to primary care and health screening services for more than 7,000 underserved, financially-distressed, and undocumented residents of Long Island. In 2010, more than 300 Catholic Health Services volunteers contributed 2,157 hours of their time at 44 separate events, providing more than 4,099 health screenings and 2,616 immunizations in 23 parish and community centers. An **Honorable Mention**



### Mark Your Calendar for NSHC Events in July

- July 7 NSHC Board Meeting, 8 a.m.
- July 20 Nurse Executive Committee meeting, 2 p.m.
- July 26 Corporate Compliance Committee meeting, 9:30 a.m.

\*Meetings for NSHC members only and are held at the Hospital Council office in Hauppauge unless otherwise noted. To register/info call: 631-963-4153.

*Award* was presented to the *North Shore-Long Island Jewish Health System's Center for Tobacco Control*. The center provides a free smoking cessation program to members of the community and employees of the health care system.

*Nursing and Allied Health Professions . . .* are beginning to see increases in vacancy and turnover rates, according to HANYS' report *Nurses and Allied Professionals: New York's Growing Demand*. The report contains the results of the 2011 Nursing and Allied Health Professionals Survey, developed with the Greater New York Hospital Association in collaboration with the State University of New York Center for Health Workforce Studies and other regional hospital associations. Highlights include: vacancy rates for registered nurses increased to 6.1 percent from a low of 3.6 percent in the previous year; turnover rates for RNs also increased to 9.5 percent from 7.1 percent; and the most difficult professions to recruit are medical coders, clinical laboratory technologists, physical therapists, pharmacists, respiratory therapists, and health information technology analysts.

*New DOH Website . . .* provides preliminary standards and guidance about the state's health home initiative. It includes federal requirements, state legislation, the Medicaid Redesign Team's (MRT) proposal, and draft standards for providers seeking to qualify as health homes and details about the characteristics of high-cost populations. Access it at:

[http://www.health.ny.gov/health\\_care/medicaid/program/medicaid\\_health\\_homes/index.htm](http://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/index.htm)

## NSHC Committee News ...


**Communications Committee:** The NSHC Communications Committee held its Annual Ann Marie Brown Memorial Scholarship Luncheon on June 17, 2011 at Four Food Studio in Melville and presented the 2011 scholarship to Frank Papik. The scholarship is presented each year in memory of the late vice president of government affairs and public affairs for the Hospital Council. This year's recipient is a Communications Arts graduate of the New York Institute of Technology who will soon begin his graduate studies at SUNY Stony Brook. He hopes to work as a health care administrator and combine his interests in health care with his experience in radio/television production to inform the public about important health care issues.

**Revenue Cycle:** The committee met on June 17 and discussed recent changes to Medicaid reimbursement, including the establishment of an observation rate of payment, the ongoing activities of the Medicare RAC, and a regulatory change on Medicare reimbursements for services provided within 72 hours of an inpatient admission.

**Nurse Managers Committee:** The committee met June 14 and held its annual planning meeting to set the schedule for the next year's educational presentations and other programming, beginning with the September session.



*Pictured center is the 2011 Ann Marie Brown Scholarship Winner Frank Papik with members of the Scholarship Selection Committee. At left is Gail Carlin, Director of Community Relations, South Nassau Communities Hospital and at right is Lauren Sheprow, Hospital Media Relations Director for Stony Brook University Hospital. Selection Committee member Marsha Kenny, Director of Public Relation and Marketing at Southampton Hospital was unavailable for the photo.*



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